

BEFORE THE DIRECTOR
OF THE
OFFICE OF CAMPAIGN FINANCE
DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS
FRANK D. REEVES MUNICIPAL BUILDING
2000 14TH STREET, N.W., SUITE 420
WASHINGTON, D.C. 20009
(202) 671-0550

IN THE MATTER OF	}	DATE: August 7, 2007
	}	
Committee to Elect Artee Milligan	}	DOCKET NO: 07C- 03
Dennis Rosemond, Treasurer	}	
7435 12 th Street, NW	}	HEARING OFFICER: William O. SanFord
Washington, DC 20012	}	

ORDER

Statement of the Case

This matter comes before the Office of Campaign Finance (OCF) upon an inquiry conducted by the Office of Campaign Finance which determined that the Committee to Elect Artee Milligan, for which Dennis Rosemond serves as treasurer, failed to timely file on or before December 11, 2006, a December 10, 2006 Report of Receipts and Expenditures (December 10, 2006 Report), pursuant to D.C. Official Code §1-1102.06(a) (2001 Edition).

By Notice of Hearing, Statement of Violations and Order of Appearance dated January 17, 2007, OCF ordered Dennis Rosemond (hereinafter respondent treasurer) to appear at a scheduled hearing on January 25, 2007, and show cause why the Committee to Elect Artee Milligan (hereinafter respondent committee) should not be found in violation of the D.C. Campaign Finance Reform and Conflict of Interest Act of 1974, as amended by D.C. Official Code §§1-1101.01 et seq. (Act) and fined accordingly.

On January 25, 2007, Artee Milligan (hereinafter respondent) appeared pro se. OCF was represented by Public Affairs Manager, Michael Simpson.

Summary of Evidence

Mr. Simpson alleged that the respondent committee failed to timely file the statutorily required December 10, 2006 Report by December 11, 2006. Respondent stated he attempted to file the December 10, 2006 Report electronically on December 4, 2006 but he was unsuccessful. Respondent additionally stated that after his unsuccessful attempt to file the report, he submitted a letter to OCF advising that the respondent committee did not engage in any campaign related activity after the September 2006 Democratic Primary Election and requesting guidance on how to proceed. Respondent concluded that because he submitted the letter prior to the filing date and he did not

receive a response; he believed his submission was timely. Respondent submitted a December 10, 2006 Report at the conclusion of the hearing on January 25, 2007.

Findings of Fact

Having reviewed the allegations and OCF records, I find:

1. Respondent committee was required to file a December 10, 2006 Report with OCF on or before December 11, 2006.
2. Respondent committee did not timely file a December 10, 2006 Report with OCF.
3. Respondent submitted a letter to OCF on December 4, 2006 advising that the respondent committee has not engaged in any activity since the prior reporting period.
4. Respondent requested guidance regarding his continuing filing requirements in his December 4, 2006 letter.
5. Respondent submitted a December 10, 2006 Report at the conclusion of the hearing on January 25, 2007.
6. Respondent committee is currently in compliance with the statute.

Conclusion of Law

Based upon the record and evidence, I therefore conclude:

1. The respondent committee violated D.C. Official Code § 1-1105.05(a).
2. The penalty established at 3DCMR §§ 3711.2(f) and 3711.4, for failure to timely file a December 10, 2006 Report required by D.C. Official Code § 1-1102.06(a), is a fine of \$50.00 per day for each business day subsequent to the due date.
3. In accordance with D.C. Official Code § 1-1103.05(b) (3) and 3DCMR §§ 3711.2(f) and 3711.4, the respondent committee may be fined a maximum of \$1,650.00 for failing to timely file a December 10, 2006 Report.
4. For good cause shown pursuant to 3DCMR § 3711.6, the Director of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.

5. Respondent's explanation provided good cause for modification or suspension of the fine.

Recommendation

In view of the foregoing and information included in the record, I hereby recommend that the Director suspend the fine in this matter.

Date

William O. Sanford
Hearing Officer

Concurrence

In view of the foregoing, I hereby concur with the Recommendation.

Date

Kathy S. Williams
General Counsel

ORDER OF THE DIRECTOR

IT IS ORDERED that the fine in this matter is hereby suspended.

Date

Cecily E. Collier-Montgomery
Director

This Order may be appealed to the Board of Elections and Ethics within 15 days from the date of issuance.

NOTICE

Pursuant to 3 DCMR § 3711.5 (March 2007), any fine imposed by the Director shall become effective on the 16th day following the issuance of a decision and order, if the respondent does not request an appeal of this matter. If applicable, within 10 days of the effective date of this order, please make a check or money order payable to the D.C. Treasurer, c/o Office of Campaign Finance, Suite 420, 2000 14th Street, NW, Washington, D.C. 20009.

SERVICE OF ORDER

This is to certify that I have served a true copy of the foregoing Order.

April Williams

